

ARTICLE APPEARED
ON PAGE A24

WASHINGTON POST
4 October 1986

Judge Skeptical of Spy Case Motion

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RICHMOND, Oct. 3—A federal judge appeared today to have ended any chance of the family of the late Larry Wu-Tai Chin to overturn the former CIA analyst's conviction of spying for China.

Lawyers representing the Chin family failed to convince District Judge Robert R. Merhige Jr. that prosecutors did not supply them with exculpatory information about their client before his trial earlier this year in Alexandria.

Merhige made clear in remarks during a two-hour hearing that he did not believe the government violated the so-called Brady rule re-

quiring defense counsel to be notified of all exculpatory information.

"I think bye-bye Brady went by about 10 minutes ago," said Merhige, who presided at Chin's February trial at which the retired CIA analyst was found guilty of espionage and tax violations. Chin committed suicide two weeks later in a Prince William County jail cell while awaiting sentencing.

Merhige said today he did not see how the testimony of a career diplomat would have changed the verdict after Chin's admission of guilt on the stand. "I've been at it 40 years," Merhige said, "and it's the first courtroom confession I ever heard."

Chin's attorneys, W. Gary Kohlman and Jacob A. Stein, had sought

to show that prosecutors misled them and the court about Chin's activities as an interpreter for U.S. officials during the Korean War. To that end, they presented testimony from Philip W. Manhard, a career Foreign Service officer and former U.S. ambassador to Mauritius.

Manhard testified that Chin had no access to confidential reports he filed on interrogations of Chinese POWs or to information Manhard considered relevant to U.S. national security. Chin did help gather the data on which those confidential reports were based by questioning Chinese POWs, Manhard said.

Stein argued that this testimony mitigated some of the espionage charges against Chin and that if defense counsel had been told this by

prosecutors, they would have called Manhard to testify.

Merhige noted that a defense lawyer had spoken to Manhard before the trial and that he was available to them. Kohlman testified he spoke to Manhard but, unaware of the information he had about Chin, had only questioned him about Chin's reputation and attitudes toward the United States.

Merhige also said he did not think he would be able to grant a request by Chin's attorneys to appeal his April 24 order refusing to vacate Chin's conviction. Stein said they did not appeal within the prescribed 10 days because of turmoil in Chin's family caused by his suicide.

Finally, Merhige said he did not believe the court was the proper forum for Chin's widow, Cathy, to appeal the cutoff of her government pension after her husband's conviction.